

ORDINANCE NO. 90-42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 73-8; PROVIDING FOR A DEFINITION OF OBSCENE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners deems it to be contrary to the public health, safety, welfare and morals to permit or allow the promotion of obscene material in the County; and

WHEREAS, §847.001, Florida Statutes, provides for a definition of the term "obscene" and the Board of County Commissioners is desirous of amending its existing ordinance so that it is consistent with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Section 1.(a) of Ordinance No. 73-8 is hereby amended to read:

(a) "Obscene." Any material or performance is obscene if (1) the average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest; (2) depicts or describes, in a patently offensive way, sexual conduct as defined in §847.001(11) of the Florida Statutes; and (3) taken as a whole, lacks serious literary, artistic, political, or scientific value."

Section 2. Repeal of Laws in Conflict

All ordinances and parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability

If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. Inclusion in Code

It is the intention of the County Commission, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Palm Beach County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be

1 changed to "section," "article," or other appropriate word.

2 Section 5. Effective Date

3 The provisions of this ordinance shall become effective upon
4 receipt of acknowledgment from the Department of State.

5 APPROVED and ADOPTED by the Board of County Commissioners of
6 Palm Beach County, Florida, on this, the 20th day of
7 November, 1990.

8 JOHN B. DUNKLE, CLERK
9 Board of County Commissioners

10 By: Joan Haverly
11 DEPUTY CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

12 By: [Signature]
13 Chairman

NOV 20 1990

14 APPROVED AS TO FORM AND
15 LEGAL SUFFICIENCY

16 By: [Signature]
17 County Attorney

18 Acknowledgement by the Department of State of the State of
19 Florida, on this, the 30th day of November, 1990.

20 EFFECTIVE DATE: Acknowledgement from the Department of State
21 received on the 7th day of December,
22 1990, at 12:51 P.M., and filed in the Office of the Clerk of the
Board of County Commissioners of Palm Beach County, Florida.

doo.ord

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 11/20/90
DATED at West Palm Beach, Fla. on 12/12/90
JOHN B. DUNKLE, Clerk
By: [Signature]
Deputy Clerk